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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

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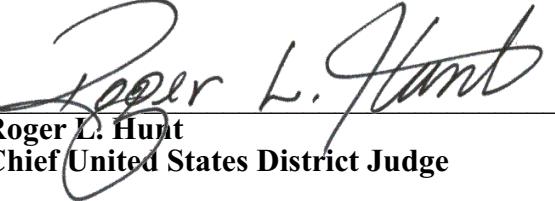
8 UNITED STATES OF AMERICA, )  
9 Plaintiff, ) Case No. 2:05-cr-0247-RLH  
10 vs. )  
11 ROBERTO CHARLES YSASSI, JR., )  
12 Defendant. )  
13

**O R D E R**

14 On January 20, 2011, the Ninth Circuit Court of Appeals issued an order in the above  
15 captioned case vacating and remanding the case, directing this Court to “dismiss” Appellant’s  
16 (Ysassi) motion pursuant to §2255, without prejudice. The Circuit Court’s order did not specify  
17 which of this Court’s orders it is referring to, but the Court assumes it is referring to Document  
18 #142, filed June 19, 2009, in which this Court “ORDERED that Defendant’s Motion to Vacate, Set  
19 Aside, or Correct Sentence by a Person in Federal Custody, Title 28 U.S.C. §2255 (#140) is  
20 DENIED.”

21 Accordingly, and pursuant to the order of the Circuit Court of Appeals,  
22 IT IS HEREBY ORDERED that Defendant’s Motion to Vacate, Set Aside, or Correct Sentence by a  
23 Person in Federal Custody, Title 28 U.S.C. §2255 (#140) is DISMISSED without prejudice.

24 Dated: January 24, 2011.

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Roger L. Hunt  
Chief United States District Judge